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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/087,303

02/28/2002

David McMorrow

S63.2-9719

2109

490

7590

08/15/2006

VIDAS, ARRETT & STEINKRAUS, P.A.  
6109 BLUE CIRCLE DRIVE  
SUITE 2000  
MINNETONKA, MN 55343-9185

EXAMINER

THALER, MICHAEL H

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/087,303

Applicant(s)

MCMORROW ET AL.

Examiner

Michael Thaler

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3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-40 is/are pending in the application.  
4a) Of the above claim(s) 1-20, 27, 28 and 31-38 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 21-25, 29, 30, 39 and 40 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

This application contains claims 1-20, 27, 28 and 31-38 drawn to an invention nonelected with traverse in the reply filed on August 23, 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 21-25, 29, 30, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Dehdashtian et al. (6,013,092). Dehdashtian et al., in figure 2f, disclose a balloon 12 in its contacted condition having a central portion (the portion of the balloon 12 which is adjacent to catheter body 10) and a plurality of structures (wherein one structure is at the top right portion of figure 2f and which includes wings 20a'', 20b'' and wherein another structure is at the bottom left portion of figure 2f and which includes wings 20c'', 20d'') extending from the central portion, each structure comprising a first wing 20b'' or 20d'' wrapped in a first direction (counter clockwise) about the central portion of the balloon and terminating at a first terminating end (e.g. the left end of 20b'' as seen in figure 2f) and a second wing 20a'' or 20c'' wrapped in a second direction (clockwise) about the central portion of the balloon and terminating at a second terminating end (e.g. the right end of 20a'' as seen in figure 2f) as described in col. 5, lines 6-16. As to claim 23, when there are

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six longitudinal furrows instead of the four shown in the drawings (as described in col. 4, lines 47-56) there are three structures instead of the two shown in the drawings. As to claim 24, Dehdashtian et al. disclose a plurality of T-shaped structures (one T-shaped structure comprising wings 20d'', 20b'' and 20c'' and another T-shaped structure comprising wings 20d'', 20b'' and 20a'' prior to being wrapped about the central portion of the balloon as shown in figure 2e) extending from the central portion of the balloon. As to claim 30, Dehdashtian et al. disclose a plurality of V-shaped structures (one V-shaped structure comprising wings 20a'' and 20b'' and another V-shaped structure comprising wings 20c'' and 20d'' prior to being wrapped about the central portion of the balloon as shown in figure 2e).

Applicant's arguments filed, June 26, 2006 have been fully considered but they are not persuasive for the reasons set forth above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

mht  
8/9/06



MICHAEL THALER  
PRIMARY EXAMINER  
ART UNIT 3731